

Message Text

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ACTION NEA-10

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SAM-01 SSM-03 OMB-01 AID-05 DHA-02 ORM-02 /072 W

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TO SECSTATE WASHDC 2555

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E.O. 11652: N/A

TAGS: PFOR, IS

SUBJECT: ILLEGAL ARAB CONSTRUCTION

REF: TEL AVIV 5232

1. AN EMBOFF MET RECENTLY WITH THE SPOKESMAN OF THE ISRAEL LANDS ADMINISTRATION (LEORA NIR) TO DISCUSS ILLEGAL ARAB BUILDING ACTIVITY (REFTEL). SUCH BUILDING HAS BEEN GOING ON FOR YEARS, SHE SAID, MAINLY IN GAILEE AND IN THE NEGEV, BUT ITS WIDESPREAD EXTENT CAME TO THE ILA'S ATTENTION NLY ABOUT SIX MONTHS AGO. THE ILA ESTIMATES THERE ARE SOME 5300 ILLEGAL ARAB CONSTRUCTIONS ON STATE-OWNED LAND, AND A SIMILAR NUMBER ON PRIVATELY OWNED LAND.

2. RECALLING PRIME MINISTER RABIN'S MAY 24 MEETING WITH LOCAL ARAB LEADERS (NOTE: AT WHICH TIME THE PRIME MINISTER HAD NOT BEEN AS FORTHCOMING ON LAND ISSUES AS THE ARABS HAD HOPED--TEL AVIV 3682), NIR SAID THAT THE PROBLEM OF ILLEGAL ARAB CONSTRUCTION HAD BEEN DISCUSSED AT A SPECIAL MINISTERIAL MEETING IN EARLY JULY. IMPLYING THAT RECENT PUBLICITY ABOUT THE QUESTION (REFTEL) WAS POLITICALLY MOTIVATED, NIR SAID THAT DETAILS DISCUSSED IN THE JULY MEETING HAD BEEN LEAKED TO THE PRESS. IT HAD BEEN DECIDED AT THE
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MINISTERIAL MEETING TO FORM A COMMITTEE, TO BE HEADED

BY HAIM ZABAN (DIRECTOR OF THE MINISTRY OF AGRICULTURE'S CENTER FOR PLANNING), TO PREVENT FURTHER ILLEGAL ARAB BUILDING. THE ZABAN COMMITTEE, WORKING WITH THE ILA, WILL MAKE RECOMMENDATIONS (E.G., EVICTIONS, DESTRUCTION OF ILLEGAL BUILDINGS) FOR IMPLEMENTATION BY THE NATURE PRESERVATION AUTHORITY.

3. NIR'S PRIVATE OPINION WAS THAT THE ZABAN COMMITTEE NOTWITHSTANDING, 95PERCENT OF THE ILLEGAL BUILDINGS WOULD REMAIN UNTOUCHED. IT WOULD BE TOO DIFFICULT, SHE SAID, TO ENFORCE THE BUILDING LAWS IN THE ARAB SECTOR WHEN THEY WERE SO FREQUENTLY IGNORED IN THE JEWISH SECTOR AS WELL. NIR ALSO SAID THAT SHE KNEW OF INSTANCES WHERE THE ILA HAD RECOMMENDED DESTRUCTION OF SPECIFIC ILLEGAL BUILDINGS, BUT POLITICAL PRESSURE "FROM ABOVE" HAD RESULTED IN NO ACTION BEING TAKEN.

4. NIR EXPLAINED THAT THE ISSUE OF ILLEGAL ARAB CONSTRUCTION MUST BE UNDERSTOOD IN RELATION TO THE QUESTION OF CONTESTED LAND OWNERSHIP. ONE OF THE MAIN REASONS THAT DEVELOPMENT IN GALILEE HAS BEEN SO LONG DELAYED, ACCORDING TO NIR, IS THAT THE OWNERSHIP OF SO MUCH LAND THERE IS CLAIMED BY BOTH ARABS AND THE ILA. (SHE ESTIMATED THAT 300 CONTESTED LAND OWNERSHIP CLAIMS DATING BACK TO MANDATE TIMES ARE STILL "UNDER SETTLEMENT," I.E., REQUIRE A MINISTRY OF JUSTICE FINAL DETERMINATION ON OWNERSHIP; SINCE 1948, AN ADDITIONAL 1500-1600 SUCH CASES HAVE ACCUMULATED.) BECAUSE THE OWNERSHIP OF THE LAND IS CONTESTED, THE GOVERNMENT AND THE ARABS HAVE BEEN UNABLE TO AGREE ON MUNICIPAL DEVELOPMENT PLANS. THESE PLANS MUST BE APPROVED BY THE GOVERNMENT BEFORE "LEGAL" CONSTRUCTION CAN TAKE PLACE. IN FACT, A GREAT DEAL OF ISRAELI ARAB CONSTRUCTION IS ILLEGAL BECAUSE THERE ARE FEW APPROVED ARAB TOWN PLANS.

5. NIR SAID THAT IN THE WAKE OF ARAB "LAND DAY" ON MARCH 30, RENEWED GOI EFFORTS TO DEVELOP ARAB TOWN PLANNING ARE BEING MADE BY THE ILA, THE MINISTRY OF INTERIOR, AND LOCAL ARAB OFFICIALS. IT IS THROUGH SUCH JOINT PLANNING EFFORTS, SHE SAID, RATHER THAN THROUGH THE ESTABLISHMENT OF COMMITTEES, THAT ISRAELI ARABS WILL EVENTUALLY BE ABLE TO LIMITED OFFICIAL USE

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DEVELOP THEIR LANDS IN THE MOST ECONOMIC WAY FOR THEM, AND AT THE SAME TIME, IN ACCORDANCE WITH LAW.
DUNNIGAN

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